

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NORTHWOOD, INC.,

Plaintiff,

v.

Case No. 20-13356

CLINICAL WOUND SOLUTIONS, LLC,

Defendant.

**ORDER DENYING IN PART PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER, DIRECTING PLAINTIFF TO COMPLETE SERVICE, AND
SETTING TELEPHONIC SCHEDULING CONFERENCE**

Plaintiff Northwood, Inc., brings this action for breach of contract against Defendant Clinic Wound Solutions, LLC. (ECF No. 1.) The same day the complaint was filed, December 23, 2020, Plaintiff moved for a temporary restraining order and for a preliminary injunction. (ECF No. 2.) Plaintiff asserts it mailed a copy of the complaint and the motion to Defendant's address in Illinois; Plaintiff has not yet completed proper service pursuant to Federal Rule of Civil Procedure 4(h). (ECF No. 1, PageID.52; ECF No. 2, PageID.114.)

The court has reviewed Plaintiff's motion and determined that the requirements for issuing a temporary restraining order under Federal Rule of Civil Procedure 65(b) are not met in this case. Specifically, Plaintiff's verified complaint fails to establish that "immediate and irreparable injury, loss, or damage will result . . . before the adverse party or that party's attorney can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). Injuries that appear to be compensable in dollars are seldom "irreparable," and a

complaint that sets forth a lengthy history of the parties' interactions during which time allegedly injurious behavior has occurred and been observed does not usually describe the kind of "immediacy" of injury required under the Rule.

The court will set a telephonic scheduling conference. A separate Notice of Scheduling Conference will issue detailing the parties' obligations. Accordingly,

IT IS ORDERED that Plaintiff's "Motion for Temporary Restraining Order" (ECF No. 2) is DENIED IN PART. Specifically, it is DENIED with respect to the request for a temporary restraining order.

IT IS FURTHER ORDERED that Plaintiff is DIRECTED to serve Defendant with a copy of the summons and complaint pursuant to Federal Rule of Civil Procedure 4(h) by **January 11, 2021**. Plaintiff shall include a copy of this order when effectuating service on Defendant.

Finally, IT IS ORDERED that a telephonic scheduling conference is set for **January 27, 2021**.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 30, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 30, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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